

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JAMES LYNN,)	
)	
Plaintiff,)	
v.)	Case No. 1:14-cv-217-TWP-DKL
)	
SHERIFF JEFFREY SHERWOOD, et al.,)	
)	
Defendants.)	

Entry on Pending Motions

Pending before the Court are the plaintiff's motion for leave to file a belated notice of appeal, motion for leave to proceed *in forma pauperis* on appeal, and motion to remand the case to state court. For the reasons explained, all three motions are denied.

The plaintiff's motion for leave to file a belated notice of appeal was filed 60 days after the entry of final judgment in this case, which is past the time permitted under Federal Rule of Appellate Procedure 4. The plaintiff explains that he did not file his notice of appeal within the time provided under the Federal Rules of Appellate Procedure because he sent his appeal to the Indiana Court of Appeals rather than to the Seventh Circuit Court of Appeals. He states that he attached to his motion a letter from the Indiana Court of Appeals that shows this, but, in fact, the letter was not filed with the Court. The plaintiff was provided the opportunity to submit this letter to the Court, and given an extension of time to do so, but his deadline has now passed and he has not filed the letter. Because the plaintiff has not submitted the letter, he has not shown the "good cause" or "excusable neglect" under Federal Rule of Appellate Procedure 4(a)(5)(A)(i) that would permit the Court to extend the deadline in which to file a notice of appeal. Accordingly, the plaintiff's motion for leave to file a belated appeal [dkt 37] is **denied**.

The plaintiff has not filed a notice of appeal, and for the reasons explained above, the time to do so has now passed. Therefore, the plaintiff's motion to proceed *in forma pauperis* on appeal [dkt 38] is **denied as moot**.

The plaintiff's motion to remand the case to state court [dkt 42] is also **denied**. The Court has already entered final judgment in this case and thus, even if the motion to remand was meritorious, the Court cannot remand the case back to state court.

IT IS SO ORDERED.

Date: 5/22/2015

A handwritten signature in black ink, reading "Tanya Walton Pratt", is positioned above a horizontal line.

TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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Electronically to all counsel of record